

RESPONSE UNDER 37 C.F.R. § 1.116
U. S. Application No. 09/497,520

REMARKS

Claims 1-22, 24-27, 29-36 and 38-50 are all the claims pending in the application.

Claims 1, 2, 19, 22, 38, 39, 44, 45 and 50 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by previously-cited Young (US 5,473,736).

Claims 3-18, 20, 21, 24-27, 29-37, 40-43 and 46-49 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the rejected base claims and any intervening claims.

In the Amendment filed January 2, Applicant argued that Young does not teach or suggest grouping sorted pixels into groups in which a difference in intragroup color distance is minimum and a difference in intergroup color distance is maximum. In response thereto, the Examiner asserts that the limitation is taught by col. 9, lines 44-46 regarding the sorting (ordering) of pixels having a minimum color distance and sorting (ordering) of pixels having a maximum color distance. See "Examiner's Remarks" on pages 5-6 of the Office Action. However, col. 9, lines 44-46 only disclose that "a color C_j is selected which is the color C_n which is the smallest distance from the initial reference color C_R ." Applicant submits that this excerpt of the reference fails to disclose grouping sorted pixels into groups in which a difference in intragroup color distance is minimum and a difference in intergroup color distance is maximum. The cited excerpt is silent regarding intragroup and intergroup color distances, instead only generally disclosing a color which is the smallest distance from an initial reference color. Therefore, claim 1 is not anticipated by Young.

RESPONSE UNDER 37 C.F.R. § 1.116
U. S. Application No. 09/497,520

Applicant submits that claims 19, 39 and 45 are not anticipated by Young for reasons analogous to those presented above in relation to claim 1.

In the January 2 Amendment, Applicant further argued that Young does not teach or suggest defining a window having a predetermined size within an input color image, as recited in claim 38. The Examiner refers to FIGS. 6A and 6B, as allegedly disclosing this feature of the claim, but Applicant disagrees. As disclosed in Young at col. 9, line 58 - col. 10, line 4:

FIG. 6A is a standard representation of Munsell color space 40 which is a cylinder which has polar coordinates (radius Y and angle X) and height Z. FIG. 6B is a trajectory 42 through the Munsell color space 40. The ordered file of second storage means 26 contains the trajectory 42 of the colors through the Munsell color space 40 generated by selecting the smallest incremental distance between colors (features) from the source file. (As a tie-breaking scheme, the trajectory 42 may be tested for the shortest distance over successive points.) The trajectory 42 according to the invention is on a single value plane, i.e., more precisely, it is independent of the value. The ordered file is a signature which uniquely represents the color usage of an image as a mathematical function in a multidimensional space.

In other words, FIGS. 6A and 6B illustrate a Munsell mathematical coordinate system, not a window, for assigning numerical values to colors. Applicant submits that a color space, such as the Munsell color space 40, simply is not a window. Hence, Young does not disclose the feature of defining a window having a predetermined size within an input color image.

Furthermore, the window of claim 38 is recited as being within an input color image. Clearly, Young fails to disclose this aspect of the claim, even if the Munsell color space is (incorrectly) believed to correspond to the claimed window of claim 38. Hence, claim 38 is not anticipated by Young for at least these reasons.

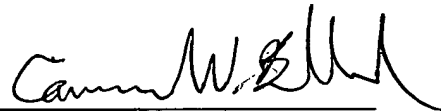
Applicant submits that claims 2, 22, 44 and 50 are not anticipated by Young due to their dependence from claims 1, 19, 39 and 45, respectively.

RESPONSE UNDER 37 C.F.R. § 1.116
U. S. Application No. 09/497,520

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Cameron W. Beddard
Registration No. 46,545

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: May 24, 2004